A Collection

App. F. IX-4

Previous References

1937.
(Judl.

File No. 3 - 37

Serial Nos. 1

Letter References.

PRESENT

A proceedings (52)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Manuscript.

A

Part B for July 1937

SUBJECT.

Regulation further to amend the Indian Penal Code as in force in Myanmar

Regln. IX of 1937.

WD 0418—GPB—22,500—29-8-36

M Gyngee
11/8/37

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. ~~4 2 36~~

FILE HEADING

Criminal Appeal No. 63/34-35 (Nagaraj Vs Govt.) against the Conviction and Sentence passed in ~~Criminal Case~~ 8/34-35 - Age of Consent in Mysore under Sec 376 IPC

FROM The G. A.

No. 141 Dated 15-8-36 Received 17-8-36

Diary No. 1088 | Enclos. | Spare copies | Serial No.

BRIEF ABSTRACT OF LETTER

States that the High Court confirmed the convictions under Secs 363 & 366 IPC., but the one under Section 376 IPC (Rape) Was set aside; and expresses the desirability of raising the age of Consent in Mysore from 12 to 14 years.

NOTES AND ORDERS.

Subd a dft. Calling for a Copy of judgment.

18/8

To issue

Prol 18/8/36

To

The G. A.

Letter No P 1301, dt 19-8-36 requesting for a Copy of Jud

Sheet

1498

From

The G. A.

No 179, dt 2-9-36 forwarding a copy of judgment.

3) Submitted for perusal and orders

19

4) This is a case which points out the necessity & desirability of undertaking legislation to amend the Penal Code by raising the age of consent as in British India.

5) Further action in the matter has therefore to be taken in the Legislative Section.

SOL
11/9/36.

6) The age of consent was originally 10. It was raised to 12 in Br. India in 1891. This was adopted in Mysore in 1904. This was further raised in Br. India to 14 by Act XXIX of 1925 in non-marital cases & 13 in marital cases.

In the case under enquiry the girl was over 12 & the circumstances

11/9/36

1489 3

Serial No.

point to the desirability of raising the age of consent.

The age of consent committee in Br. India of 1928 recommended that the age of consent within marital relations be raised to 15 years & in non marital cases be raised to 18 years.

Subd. for orders.

See 14/9/36 7) The High Court, if approved may be consulted if the age of Consent may be raised.

Chief Secy) 14/9/36

14 SEP. 1936

8) may be done.

1st member) MS 14/9

15/9

9) 17/9 MS 17/9 17/9

10) Draft Secy See 21/9

11) Issue 21

OFFICE OF THE CHIEF SECRETARY 17 SEP 1936 1790

TYPING SECTION, 21 SEP. 1936 GENL & REV. SECTT.

Age of Consent 23 ✓ 1937

Legislative File No. 19 of 1936

General and Revenue Secretariat

No P 1970 dy 22/9 to Registrar High Ct requiring if age of consent may be raised as in Br. India.

8 cs A. 22/9

No 80 dy 10/10/36 from Registrar High Ct stating that the age may be raised to fourteen.

12) Sorted. for orders with reference to paras 7 to 9 supra

See 16/10/36. HRS

13) Hon mover whether steps should be taken to amend Sec 375 of IPC as suggested by the High Court

Chief Secretary (4) Please let me see the Section relative to this in the Br. Indian Act. (Hon'ble member)

HRS 15/10 HRS 15/10

CHIEF SEC. 15 OCT. 1936

16) Sorted with the Br. Indian Penal Code & the amending Act XXIX of 1925 which raised the age to fourteen

HRS 17/10

H. J.

See 19/10/36 Chief Secretary 17) Amended Ref. I.P.C. Sec 375. Proposal may be accepted.

HRS 19.10

20 OCT. 1936

(Hon'ble member)

HRS 20/10

HRS 21.10

3/11 HRS 5/11

OFFICE OF THE FIRST MEMBER, EXECUTIVE COUNCIL 22 OCT 1936 No. 2443

Amendment of I. P. C. 5

Serial No.

18) Necessary action will be taken early.

19) Bill with an Act to amend the Statement of Objects & Reasons

20) The Act may be confined only to the amendment of Sec 375 — please put up a Revised draft — 5-11

21) Bill with a revised draft Bill & Statement of Objects & Reasons. 19/11

22) The amendment is confined only to the 5th clause of S. 375.

In British India the bill as originally brought by Govt. but the 5th clause & the exceptions were proposed to be amended by raising the age to 14.

Opinion was divided as regards the advisability of raising the age in married cases. The Select Committee in their report

H. B.

WD 0417—GPB—33,000—8-9-36

the age as proposed in the Bill introduced as modified in the punishment to be imposed in the case of Europeans in the case of marital connection.

This was not acceptable to Govt. & the bill was dropped.

They have now to amend the which was finally passed as Act XXIX of 1925. R.E.J.

According to that 14 to the age for marital cases & 13 in marital Cases. A lesser punishment is also prescribed for such latter cases. Submitted for orders.

Sd 30/11/26. 23) We are now dealing only with amendment of Sec. 375 of I.P.C. A draft bill has been submitted now for that purpose. By Act XXIX of 1925 the Government of India have

Age of Consent 8/

Serial No.

amended not only the clause 'fifthly' but they have amended the exception under Sec 375 by substituting the words '12 by 13 years' for 13 years by this latter amendment the husband cannot be the offence of rape on his own wife if he has intercourse with her before when she is under 13 years.

This restriction does not appear necessary as the marriage age has not been raised to 14 in Mysore. MK

4) Sec 376 is also amended in British India by adding to it a smaller punishment when the offender is the husband of the ravished girl.

5) 2 more sections are found in the Amending Act of 1925 by which to carry into effect the amendments proposed to move to Sec 376 the exception to 375. These further amendments of the exception to 375 & 376 do not appear to be necessary at present.

If we amend only the clause 'fifthly' no further amendments found in Secs 375 & 376 in the Amending Act are necessary.

6) It is for orders whether only one clause has to be amended or whether the entire amending Act may be adopted here. The draft bill is for approval.

Chief Secretary) So far as the law in the State is concerned, it is sufficient to amend only Sec 375 Cl(5). The amendment to Sec 376 I.P.C. in British India is governed by the consideration that the marriage age there is raised to 14.

7) Sd/- 1/12

(Sd/- Member) 28 Sd/- 1/12

Sd/- 16/12 Sd/- 15/12 Sd/- 15/12

3 - DEC. 1936 No. 2574

NOTE—Contn. Sheet.

I am sorry my statement is an anachronism as the amendment was in the amendment of 1925 which marriage was raised subsequently MK

27.

8 A Bill to amend T. P. C. (Age of consent).

File No. of 193 . General and Revenue Secretariat

19 This is a council matter
Secy. for orders may be disposed of
circulated, if approved.
See chief secy)
16/12/36.

Dewan)

16.12
MS 18/12
log 18/12

35) MR 18-12-36

CB. MS 21/12
log 21.12

37) MM 29/12/36
log 30.12

32) Secy. with ex D.F.M.
Sec 2/1/37 Please type draft as revised
log 3.1.37

Typed draft Secy.
Sec 4/1/37 chief secy)

33) Please bring up.
MS 5/1
log 4.1

For approval.
MS 5/1
2nd member)
log 5.1

4) J.N. Signed by Members.
DM 6/1/37
MS 7/1/37
log 8.1

35 S.M. put up.
Dewan)

DE. N'B OFFICE
No. 2032

CHIEF SECRETARY
GOVT OF COORG

OFFICE OF THE
SECOND MEMBER OF COUNCIL
26 DEC 1936
NO 4276

I should like to see the bill which results in the passing of these Acts
DM 23/12
MS 24/12

Secy. with the Enquiry Committee Report relating to the Bill
Sec 24/12

B

The bill and the Select Committee Report are submitted Secy. 2nd member)
log 26.12

OFFICE OF THE
SECOND MEMBER OF COUNCIL
5 JAN 1937
NO 4545

xxx
Typed draft for a clean D.F.M.
Secy 4/1/37.

TYPING SECTION
GEN
4 JAN 1937

2333

9

For Disposal by Circulation.

No. C. 135.

of 1936-37

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill further to amend the Indian Penal Code, as in force in Mysore.

Circulated to the Members of Council.

By Order,

21st December 1936

Chief Secretary to Government.

First Member of Council.

22/12

Please see note on the file

4175
22.12.36.

Second Member of Council.

23/12/36.

Put up notice calendar.

24/12

24.12

Final Note by the Second Member of Council.

Subject.—

Amendment of Section 375 of ~~Civil Procedure~~ Indian Penal Code as in force in Mysore.

36) According to Section 375 of the Indian Penal Code as in force in Mysore, the age of consent is 12 both within and outside marital connection. This is considered insufficient for the protection of minor girls. It has been revised in British India by Act XXIX of 1925.

37) The Judges of the High Court, who were consulted in this matter, are of opinion that the age of consent should be raised to 14, as in British India. An amending bill has accordingly been prepared and kept in the file.

38) It is now proposed to raise the age of consent to 14 as against strangers, leaving the age in marital cases unaffected.

Page 804 of note. B

39) The Dewan and First Member have agreed to the proposal. I solicit the gracious sanction of His Highness to place the general principles of this bill before the Representative Assembly and introduce it in the Legislative Council in due course.

M. A. Narasimha Murthy
MEMBER OF COUNCIL.

Bangalore,
6th January 1939.

Submitted to His Highness.

---

40) *I submit herewith a Final Note by the* Second *Member of Council* regarding Amendment of Section 375 of the Indian Penal Code as in force in Mysore,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

8-1-37

12

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill further to amend the Indian Penal Code as in force in Mysore.

217

11/1

Order.

~~KRW~~

9/1/37

2333

13

C-135

General and Revenue
Secretariat.

SUBJECT:— Bill further to amend the Indian Penal Code as in force in Mysore.

---

42)

Circulated to Members of Council for perusal of His Highness' orders ~~before/after issue of orders~~. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

43) FIRST MEMBER OF COUNCIL. (on leave)

4795 / 12.1.37

44) SECOND MEMBER OF COUNCIL. Before I see the statement of objects & reasons might you the Secretariat

13/1/37

H.S. (Pro Tem)

MS
15/1
15-1

R. A. Sws.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

NOTE.—Contn. sheet

WD 1170—GPB—1,000—24-12-36

5726/p826

Cage of Consent

D.1616 "

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

45) Secd. with a draft statement of general principles of the Bill.

Typed approved copies may be sent to R.A. offices for being sent placed before 1st June session of the R.A.

See 2/4/3/37

Secd. for orders.

1st member)

hp 31.3.

FINANCE MEMBER 31 MAR. 1937 No. 6294

46) 1 DV 31/3 MS 31/3

Approving section or making 3 copies of the Statement, N.B of the principles

Secretary). hp 1/4

47) R.A. offices with typed copies &c. of general principles.

See 31/4/37 DV

3 Copies taken & file returned.

BVN 6-4-37

Private Secretary

R. A. Govts

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

Amendment of I.P.C
(Age of Consent)

File No. | of 193 | General and Revenue Secretariat

Serial No.

48) Secretary. The general provisions of this Bill are to be placed before H.A in June 37.
Secretary for orders is this Bill may be published under rule 8 of the Rules for having introduced in June H.C.
The last date for publication is 3rd June.

may be published

SG 17/5/37

(Hon'ble member & Secretary)

DEWA - 5284

OFFICE OF THE PRIME MINISTER 17 MAY 1937 No. 1507

hp 17.5

JPS 17/5

MR 25-5-37

MS 26/5

hp 26/5

20 H.C. copies with typed copies for publication.

SG 27/5

Typing section for making 4 copies of Bill and Statement of objects & reasons

SG 26/5

JPS

-C (SW)

TYPING SECTION 4.30 26 MAY 1937

27/5/37

Three typed copies taken and the file put to Govt. Br.)

5770

Bill to amend I.P.C (Age of consent)

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

[St II]

49) The St of general principles of this Bill is to be placed before the morning R.A. Submitted for orders as to the Secy in charge.

50) See 10/6/37 The chief Secy may be in charge of this as he has dealt with this file 10/6/37 chief Secy) may be appd. 10.6 1st member)

CHIEF SECRETARY 10 JUL 1937 GOVT. OF MYSORE.

51) 10/6 11/6

52) The general principles of this Bill have been agreed to by the R.A.

The Bill has been published & will have to be circulated in the ensuing session of the L-C. The Bill consists of only two clauses and it does not seem necessary to refer it to a Select Committee.

53) The following motion

NOTE—Contn. Sheet.

WD 0417—GPB—80,000—8-9-36

17 I. F. C Amendment Bill.

File No. 5776 of 193

General and Revenue Secretariat

Serial No.

are submitted for orders —

(a) motion that the Bills be read in Council

mover 1st member

seconder Chipchegy

(b) motion that the rules of business be suspended and the Bills considered and passed without reference to a Select Committee.

mover — 1st member

seconder — Chipchegy.

Sec 18/6 (1st member)

hg 16/6

54) 16/6

55) Submitted with a note (1st member)

hg 23.6

OFFICE OF THE FIRST MEMBER 23 JUNE 1937 No 8566

The Bills were passed by the L.C. and sent with a D.O. for sanction to promulgate the Bills into law.

Sec 6/7/37

Typed

hg 6.7

7 JUL 1937 GENL & REV. DEPTT.

5776

Bill to amend I.P.C

General and Revenue Secretariat | File No. 3 of 1937 | [App. F. III—2

Serial No.

Copied D.F. & Sent.

See 1st Precedent. 7/7.

162 6/7

DEWAN'S OFFICE 1937 No. 124

56) JPR 6/7

S. N. put up.

57) DEWAN)

MHS 8.7.37

HG 8-7

NOTE—Contn Sheet.

WD 03504—GPB—30,000—18-7-35

Final Note by the First Member of Council.

69

Subject.— Promulgation into law of the Bill further to amend the Indian Penal Code as in Force in Mysore.

1. On the 9th January 1937 His Highness was graciously pleased to accord sanction to the placing of the general principles of the Bill further to amend the Indian Penal Code as in force in Mysore before the Representative Assembly and to the introduction of the Bill in the Legislative Council.

Para 5215
554 nos

2. The Representative Assembly at its Budget Session approved of the general principles of the Bill. The Bill was thereafter introduced in the Legislative Council at its recent session and it was passed at one sitting, suspending the rules of business.

3. I solicit the gracious sanction of His Highness to promulgate the Bill into law.

J Majagopal

MEMBER OF COUNCIL.

Bangalore,
8th July 1937.

Submitted to His Highness.

---

(1) I submit herewith a Final Note by the First Member of Council re: promulgation into law of the Bill further to amend the Indian Penal Code as in force in Mysore,

---

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

9.7.37

e 15

21

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to amend the Indian Penal Code as in force in Mysore.

Copy sent
MS
11-7-37

22

(2) *Order.*

~~KRW~~
10/7/37

MS
12-7-37

C15 — 5776

22

General and Revenue
Secretariat.

SUBJECT:— Promulgation into law of the Bill to amend the Indian Penal Code as in force in Mysore.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

63)

'Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

293
12/7

FIRST MEMBER OF COUNCIL.

61) 12/7

233
12.7.37

SECOND MEMBER OF COUNCIL. 12/7/37

Prom.

13.7.37

13.7

NOTE.—Contn. sheet.

WD 1170—GPB—1,000—24-12-36

5 / 10

23

General & Revenue Secretariat. | File No. 3 of 1937. | [App. F. III–2

Serial No.	
	Sealed under a draft.
	14/7 issued 15/7
1	L. O No P 321 of 14/7 directing the publication of Rule IX of 1937

Printed copies sent to Press

PUBLIC SECTION 15 JUL 1937 GENL & REV. DEPT.

NOTE—Contn. Sheet.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆ.

ಬಡ್ಜೆಟ್ ಅಧಿವೇಶನ—ಜೂನ್ 1937.

ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರ ಅಭಿಪ್ರಾಯಕ್ಕಾಗಿ ಒಪ್ಪಿಸಬೇಕಾದ ಸರ್ಕಾರಿ ಕಾರ್ಯಕಲಾಪಗಳ ವಿವರ.

I. 1883ನೆಯ ಇಸವಿಯ Iನೆಯ ನಂಬರಿನ ರೆಗ್ಯುಲೇಷನಾದ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳ ರೆಗ್ಯುಲೇಷನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

1883ನೆಯ ಇಸವಿಯ Iನೆಯ ನಂಬರಿನ ರೆಗ್ಯುಲೇಷನಾದ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳ ರೆಗ್ಯುಲೇಷನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವುದು ಸರಿಯಷ್ಟೆ; ಸಂಸ್ಥಾನದ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಲ್ಲಿ ಕೆಲಸವು ಹೆಚ್ಚಾಗಿ ಬಾಕಿ ಉಳಿದರೆ ಕೂಡ, ಒಂದು ಕೋರ್ಟಿಗೆ ಒಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ಮಂದಿ ಜಡ್ಜಿಯವರನ್ನಾಗಲಿ, ಒಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ಮಂದಿ ಮುನ್ಸೀಫರನ್ನಾಗಲಿ ನೇಮಕಮಾಡಲು ಅದರ ಮೇರೆಗೆ ಅವಕಾಶವಿರಲಿಲ್ಲ. ಆದಕಾರಣ, ಒಂದು ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜ್ ಕೋರ್ಟಿಗೆ ಒಬ್ಬರಿಗಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಸಬಾರ್ಡಿನೇಟ್ ಜಡ್ಜಿಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ಒಂದು ಮುನ್ಸೀಫ್ ಕೋರ್ಟಿಗೆ ಒಬ್ಬರಿಗಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಮುನ್ಸೀಫರುಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಅವಕಾಶವಿರುವಂತೆ, 1926ನೆಯ ಇಸವಿಯ VIIನೆಯ ನಂಬರು ರೆಗ್ಯುಲೇಷನಿನಿಂದ ಅದನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡಲಾಯಿತು. ಆದರೆ, ಆಗ್ಗೆ ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟಿಗೆ ಒಬ್ಬರಿಗಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಡಿಸ್ಟ್ರಿಕ್ಟು ಜಡ್ಜಿಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿರುವ ರೀತಿಯಲ್ಲಿ ಯಾವ ತಿದ್ದುಪಾಟನ್ನೂ ಮಾಡಲಿಲ್ಲ. ಅವಶ್ಯವಾದರೆ, ಹೆಚ್ಚಿಗೆ (ಅಡಿಷನಲ್) ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟನ್ನು ಏರ್ಪಡಿಸಲು ಈಗ ಅವಕಾಶವಿದೆಯೇ ಹೊರತು, ಒಂದು ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟಿಗೇ ಒಬ್ಬರಿಗಿಂತ ಹೆಚ್ಚು ಮಂದಿ ಡಿಸ್ಟ್ರಿಕ್ಟು ಜಡ್ಜಿಗಳು ನೇಮಕವಾಗುವುದಕ್ಕೆ ಈಗ ಅವಕಾಶವಿಲ್ಲ. ಆದಕಾರಣ, ಯಾವುದಾದರೂ ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟಿನಲ್ಲಿ ಮೊಕದ್ದಮೆಗಳೇ ಮುಂತಾದುವು ಫೈಸಲಾಗದೆ ಹೆಚ್ಚು ಹೆಚ್ಚಾಗಿ ಕೆಲಸಗಳು ಬಾಕಿ ಉಳಿದುಹೋದಾಗ ಪ್ರತ್ಯೇಕವಾದ ಸಿಬ್ಬಂದಿಯ ಸಮೇತ, ಒಂದು ಹೆಚ್ಚಿಗೆ ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟನ್ನೇ ಕೆಲವು ಕಾಲದವರೆಗೆ ಹಂಗಾಮಿಯಾಗಿ ಸ್ಥಾಪಿಸಬೇಕಾಗಿ ಬಂದಿದೆ. ಹೀಗೆ ಹಂಗಾಮಿಯಾಗಿ ಕೋರ್ಟುಗಳನ್ನು ಏರ್ಪಡಿಸಿದರೆ, ಖಾಯಂ ಕೋರ್ಟಿನಿಂದ ಹಂಗಾಮಿ ಕೋರ್ಟುಗಳಿಗೆ ಮೊಕದ್ದಮೆಗಳನ್ನೂ ಮತ್ತು ಅವುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ನಡೆವಳಿಕೆಗಳನ್ನೂ ಹೈಕೋರ್ಟಿನವರು ಕ್ರಮವಾಗಿ ವರ್ಗಾಯಿಸಬೇಕಾಗುತ್ತದೆ. ಅಲ್ಲದೆ, ಹಂಗಾಮಿ ಕೋರ್ಟಿನ ಕೆಲಸಗಳು ಪೂರೈಸಿ ಅದನ್ನು ತೆಗೆದುಹಾಕಿದಾಗ ಹೈಕೋರ್ಟಿನವರು ಅಲ್ಲಿಂದ ಖಾಯಂ ಕೋರ್ಟಿಗೆ ಅವುಗಳನ್ನು ಪುನಃ ವರ್ಗಾಯಿಸಬೇಕಾಗುವುದು. ಅಲ್ಲದೆ, ಇನ್ನೂ ಒಂದು ವಿಷಯ: ಹಂಗಾಮಿಯಾಗಿ ಏರ್ಪಡಿಸಿದ್ದ ಹೆಚ್ಚಿಗೆ ಕೋರ್ಟನ್ನು ವಜಾಮಾಡಿದ ಮೇಲೆ ಆ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟ ಡಿಕ್ರಿಗಳನ್ನೂ ಮತ್ತು ನಾದರುಮಾಡಿದ ಹುಕುಮುಗಳನ್ನೂ ಅಮಲ್ದಾರಿ ಮಾಡಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಕೂಡ ಅನೇಕ ತೊಂದರೆಗಳುಂಟಾಗುತ್ತವೆ. ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಹಾಲಿ ಇರತಕ್ಕ ಒಂದು ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟಿಗೆ ಒಬ್ಬ ಹೆಚ್ಚಿಗೆ ಜಡ್ಜಿಯವರನ್ನು ಹಂಗಾಮಿಯಾಗಿ ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದೇ ಅತ್ಯಂತ ಅನುಕೂಲವಾದ ಮಾರ್ಗ; ಅದು ಮಿತವ್ಯಯದ ಮಾರ್ಗವೂ ಹೌದು.

ಮೇಲೆ ಸೂಚಿಸಿದಂತೆ ಈಗಿರತಕ್ಕ ತೊಂದರೆಗಳನ್ನು ತಪ್ಪಿಸುವ ಉದ್ದೇಶದಿಂದ ಈ ಮಸೂದಾ ಕಾನೂನನ್ನು ರಚಿಸಲಾಗಿದೆ. ಒಂದು ಡಿಸ್ಟ್ರಿಕ್ಟು ಕೋರ್ಟಿಗೆ ಒಬ್ಬರಿಗಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಡಿಸ್ಟ್ರಿಕ್ಟು ಜಡ್ಜಿಯವರನ್ನು ಆವಶ್ಯಕತೆ ಕಂಡುಬಂದಾಗ ನೇಮಕಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಬೇಕೆಂಬುದೇ ಇದರ ಆಶಯ.

II. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ರೀತ್ಯಾ ಇಂಡಿಯನ್ ಪೀನಲ್ ಕೋಡನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಇಂಡಿಯನ್ ಪೀನಲ್ ಕೋಡಿನ 375ನೆಯ ಪ್ರಕರಣವನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಆವಶ್ಯಕ. ಯಾವ ಸನ್ನಿವೇಶಗಳಲ್ಲಿಯ ಕೃತ್ಯವು ಅಕ್ರಮ ಸ್ತ್ರೀಸಂಗದ ಅಪರಾಧವಾಗುವುದೆಂಬುದನ್ನು ಆ ಪ್ರಕರಣವು ಹೇಳುತ್ತದೆ. ಪತಿಯೇ ಆಗಲಿ ಅಥವಾ ಪರಕೀಯನೇ ಆಗಲಿ ಒಬ್ಬ ಹುಡು

ಗಿಯ ಸಮ್ಮತಿಯಿಂದಲೇ ಆವಳೊಡನೆ ಸಂಭೋಗ ಮಾಡಿದ್ದರೂ ಕೂಡ, ಆಕೆಯ ವಯಸ್ಸು ಹನ್ನೆರಡು ವರ್ಷ ಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿದ್ದಲ್ಲಿ ಅದು ಅಕ್ರಮ ಸ್ತ್ರೀಸಂಗದ ಅಪರಾಧವೆನಿಸುವುದೆಂದು ಆ ಪ್ರಕರಣದಲ್ಲಿ ವಿಧಾಯಕ ವಾಗಿದೆ. ಅಪ್ರಾಪ್ತ ವಯಸ್ಕರಾದ ಹುಡುಗಿಯರ ವಿಷಯದಲ್ಲಿ, ಅವರು ಸಮ್ಮತಿಕೊಡಬಹುದಾದ ವಯಸ್ಸೆಂದು, ಈ ಹನ್ನೆರಡು ವರ್ಷಗಳ ವಯಸ್ಸಿನ ಕನಿಷ್ಠ ಪರಿಮಿತಿಯನ್ನು ಕಲ್ಪಿಸಿರುವುದು ಅವರ ರಕ್ಷಣೆಗೆ ಸಾಲದೆಂದು ತೋರಿ ಬಂದಿದೆ.

ಈ ಸಮ್ಮತಿಯ ವಯಸ್ಸಿನ ಕನಿಷ್ಠ ಪರಿಮಿತಿಯನ್ನು ಗಂಡನು ಸಂಭೋಗ ನಡೆಯಿಸಿದ ಸಂದರ್ಭಗಳ ವಿಷಯ ದಲ್ಲಿ ಈಗಿರುವಂತೆಯೇ ಬಿಟ್ಟು, ಪರಪುರುಷರು ಸಂಭೋಗ ನಡೆಯಿಸಿದ ಸಂದರ್ಭಗಳ ವಿಷಯದಲ್ಲಿ ಅದನ್ನು 14 ವರು ಷಗಳಿಗೆ ಹೆಚ್ಚಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ; ಎಂದರೆ, ಹುಡುಗಿಯ ವಯಸ್ಸು 14 ವರುಷಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಅವಳ ಪತಿಯಲ್ಲದವನು ಅವಳ ಸಮ್ಮತಿಯಿಂದಲೇ ಸಂಭೋಗ ನಡೆಯಿಸಿದ್ದರೂ ಕೂಡ ಅವನು ಅಕ್ರಮ ಸ್ತ್ರೀಸಂಗದ ಅಪರಾಧ ಮಾಡಿದವನಾಗುತ್ತಾನೆಂಬುದಾಗಿ ವಿಧಾಯಕಮಾಡಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ

ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ 1925ನೆಯ ಇಸವಿಯ XXIXನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ ಮೂಲಕ ಸಮ್ಮತಿಯ ವಯಸ್ಸಿನ ಕನಿಷ್ಠ ಪರಿಮಿತಿಯನ್ನು ಹೆಚ್ಚಿಸಿ ಕಾನೂನನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡಿದ್ದಾರೆ.

III. 1933ನೆಯ ಇಸವಿಯ, ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟವನು ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನ್ನನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಟವನು ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿ ಚೀಫ್ ಆಫೀಸರುಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವ ಮತ್ತು ಅವರನ್ನು ಹತೋ ಟಿಯಲ್ಲಿಡುವ ಸಂಬಂಧದಲ್ಲಿ ಈಗ ವಿಧಾಯಕವಾಗಿರುವ ಕಾನೂನಿನ ಪರಿಸ್ಥಿತಿಯು, ಒಟ್ಟಿನ ಮೇಲೆ, ಪೂರ್ತಿಯಾಗಿ ತೃಪ್ತಿಕರವಾಗಿಲ್ಲ. ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಈ ಆಫೀಸರುಗಳನ್ನು ಸರ್ಕಾರದವರ ಮಂಜೂರಾತಿಗೊಳಪಟ್ಟು ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರವಿದೆಯೆಂದು ಹೇಳುವುದಕ್ಕೇನೊ ಸಾಧ್ಯವಿದೆ. ಹೇಗೆಂದರೆ, 1933ನೆಯ ಇಸವಿಯ ಟವನು ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನ 209ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ನೋಡಿದರೆ, ಹೀಗೆ ಭಾವಿಸಲು ಸಾಧ್ಯ ವುಂಟು. ಆದರೆ, ನಡೆವಳಿಕೆಯಲ್ಲೇನೊ ಈ ಚೀಫ್ ಆಫೀಸರುಗಳನ್ನು ಸರ್ಕಾರದವರೇ ನೇಮಕಮಾಡುವುದು ವಾಡಿಕೆ ಯಾಗಿದೆ. ಚೀಫ್ ಆಫೀಸರುಗಳಿಂದ ನಡೆಯಬೇಕಾದ ಕೆಲಸವು ದಕ್ಷತೆಯಿಂದ ನಡೆಯಬೇಕಾದರೆ ಈ ಚೀಫ್ ಆಫೀಸರು ಗಳನ್ನು ನೇಮಕಮಾಡುವ ಅಧಿಕಾರವೂ ಮತ್ತು ಅವರ ಮೇಲಣ ಹತೋಟಿಯ ಅಧಿಕಾರವೂ ಸರ್ಕಾರದವರಲ್ಲಿ ರುವುದು ಆವಶ್ಯಕವೆಂದು ತೋರುತ್ತದೆ. ಯಾವ ಟವನು ಮುನಿಸಿಪಾಲಿಟಿಗೇ ಆಗಲಿ ಚೀಫ್ ಆಫೀಸರುಗಳನ್ನು ನೇಮಕಮಾಡುವ ಮತ್ತು ಅವರುಗಳನ್ನು ಹತೋಟಿಯಲ್ಲಿಡುವ ಅಧಿಕಾರವು ಸರ್ಕಾರದವರಲ್ಲಿ ನೆಲಸುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನ ಹೊಸ ಪ್ರಕರಣಗಳನ್ನು ರಚಿಸಲಾಗಿದೆ.

IV. ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನ್ನನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿ ಚೀಫ್ ಆಫೀಸರುಗಳು, ಹೆಲ್ತ್ ಆಫೀಸರುಗಳು ಮತ್ತು ಇಂಜಿನಿಯರುಗಳು—ಇವರುಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವ ಮತ್ತು ಹತೋಟಿಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವ ಸಂಬಂಧದಲ್ಲಿ ಈಗ ವಿಧಾಯಕವಾಗಿ ರುವ ಕಾನೂನಿನ ಪರಿಸ್ಥಿತಿಯು, ಒಟ್ಟಿನ ಮೇಲೆ, ಪೂರ್ತಿಯಾಗಿ ತೃಪ್ತಿಕರವಾಗಿಲ್ಲ. ನಡೆವಳಿಕೆಯಲ್ಲೇನೊ ಸಾಮಾನ್ಯ ವಾಗಿ ಸರ್ಕಾರದವರು ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಸಭೆಗಳವರ ಸಲಹೆಯನ್ನು ತೆಗೆದುಕೊಂಡು ಹೆಲ್ತ್ ಆಫೀಸರುಗಳನ್ನೂ ಮತ್ತು ಇಂಜಿನಿಯರುಗಳನ್ನೂ ಆರಿಸಿ ನೇಮಕಮಾಡುವುದು ವಾಡಿಕೆಯಾಗಿದೆ. ಆದರೆ, ಸರ್ಕಾರದವರ ಮಂಜೂ ರಾತಿಗೆ ಒಳಪಟ್ಟು ಈ ಆಫೀಸರುಗಳನ್ನು ಆರಿಸುವ ಮತ್ತು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವ ಅಧಿಕಾರವು ಸಿಟಿ ಮುನಿಸಿ ಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನ 233 (1) ಮತ್ತು 234 (1) ನೆಯ ಪ್ರಕರಣಗಳ ಮೇರೆಗೆ ತಮಗೇ ವಹಿಸಲ್ಪಟ್ಟಿದೆ ಯೆಂದು ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಸಭೆಗಳವರು ವಾದಿಸುತ್ತಿದ್ದಾರೆ. ಆವಳಿತವನ್ನು ದಕ್ಷತೆಯಿಂದ ನಿರ್ವಹಿಸಬೇಕಾದರೆ, ಈ ಮುಖ್ಯವಾದ ಹುದ್ದೆಗಳಿಗೆ ಆಫೀಸರುಗಳನ್ನು ನೇಮಕಮಾಡುವ ಅಧಿಕಾರವು ಸರ್ಕಾರದವರಿಗೇ ಇರಬೇಕೆಂದೂ ಮತ್ತು ಆಯಾ ಇಲಾಖೆಗಳಲ್ಲಿರುವ ಆಯಾ ದರ್ಜೆಯ ಆಫೀಸರುಗಳನ್ನು ಆರಿಸಿ ನೇಮಕಮಾಡುವುದರ ಮೂಲಕ ವಾಗಿ ಆ ಹುದ್ದೆಗಳನ್ನು ಭರ್ತಿ ಮಾಡುವುದು ಆವಶ್ಯಕವೆಂದೂ ತೋರಿಬಂದಿದೆ. ಅದಕ್ಕನುಸಾರವಾಗಿ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಬಂಧನೆಗಳನ್ನು ಏರ್ಪಡಿಸಲಾಗಿದೆ. ಯಾವುದೊಂದು ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಯ ವಿಷಯದಲ್ಲಾಗಲಿ, ಚೀಫ್ ಆಫೀಸರು, ಹೆಲ್ತ್ ಆಫೀಸರು ಮತ್ತು ಇಂಜಿನಿಯರು—ಇವರುಗಳನ್ನು ನೇಮಕಮಾಡಿಕೊಳ್ಳುವ ಮತ್ತು ಹತೋಟಿಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವ ಅಧಿಕಾರವು ಸರ್ಕಾರದವರಲ್ಲಿ ನೆಲಸುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಹೊಸ ಪ್ರಕರಣ ಗಳನ್ನು ರಚಿಸಲಾಗಿದೆ.

V. 1911ನೆಯ ಇಸವಿಯ ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ 51ನೆಯ ಪ್ರಕರಣವನ್ನು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ, ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಇಂಡಿಯಾದೇಶದ ಕೈಗಾರಿಕೆ ಕಾರ್ಖಾನೆಗಳಲ್ಲಿ ನೇಮಕವಾಗಿರುವ ಕೆಲಸಗಾರರ ಸ್ಥಿತಿಗತಿಗಳನ್ನು ಉತ್ತಮ ಪಡಿಸಲು ಸಲಹೆಗಳನ್ನು ಕೊಡುವುದಕ್ಕಾಗಿ ರಾಯಲ್ ಕಮಿಷನ್ ನೇಮಕವಾಗಿದ್ದುದು ಸರಿಯೆಷ್ಟೆ; ರಾಯಲ್ ಕಮಿಷನಿನವರು ನಾನಾ ಸಲಹೆಗಳನ್ನು ಕೊಟ್ಟರು. ಕೈಗಾರಿಕೆ ಕಾರ್ಖಾನೆಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡತಕ್ಕವರು ಸಾಲವನ್ನು ತೀರಿಸುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ಅವರನ್ನು ಸಿವಿಲ್ ಜೈಲಿನಲ್ಲಿಡುವ ನಿಬಂಧನೆಯ ಸಂಬಂಧವಾಗಿ ಮಾಡಿದ ಸಲಹೆಯು ಅವುಗಳಲ್ಲೊಂದು. ತಿಂಗಳಿಗೆ 100 ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಮೆಯಾಗಿ ಕೂಲಿಯ ಮೊಬಲಗು ಬರುವವರನ್ನು ಅವರು ಮಾಡಿರತಕ್ಕ ಸಾಲಗಳ ಸಂಬಂಧದಲ್ಲಿ ದಸ್ತಗಿರಿ ಮಾಡಿ ಸಿವಿಲ್ ಜೈಲಿನಲ್ಲಿಡುವುದನ್ನು ತಪ್ಪಿಸಬೇಕೆಂಬುದೂ ಆದರೆ ಸಾಲಗಾರರಾದ ಅಂಥವರಲ್ಲಿ ತಮ್ಮ ಸಾಲಗಳನ್ನು ತೀರಿಸುವುದಕ್ಕೆ ಶಕ್ತರಾಗಿದ್ದೂ, ಸಾಲ ತೀರಿಸಲು ಇಷ್ಟ ಪಡದೆ ಇರತಕ್ಕವರಿಗೆ ಮಾತ್ರ ಈ ವಿನಾಯಿತಿಯು ಅನ್ವಯಿಸಬೇಕಾಗಿಲ್ಲವೆಂಬುದೂ ಅವರ ಸಲಹೆಯ ಆಶಯ. ಆ ಸಲಹೆಯ ಆಧಾರದ ಮೇಲೆ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಕಾನೂನನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡಿದರು. ಸಾಲವನ್ನು ತೀರಿಸಬೇಕೆಂಬ ಆಶೆಯುಳ್ಳವರಾಗಿ ಪ್ರಾಮಾಣೀಕರಾಗಿರುವ ಯಾವ ತರಗತಿಗಳ ಕೆಲಸಗಾರರೂ ಸಿವಿಲ್ ಜೈಲಿಗೆ ಹೋಗಬೇಕಾದುದಿಲ್ಲವೆಂದು ವಿಧಾಯಕವಾಡುವುದೂ, ಸಾಲವನ್ನು ತೀರಿಸುವ ಮನಸ್ಸಿಲ್ಲದವರೆಂದು ಅಥವಾ ಮೋಸ ಮಾಡಬೇಕೆಂದಿರುವವರೆಂದು ಸ್ಪಷ್ಟವಾದವರನ್ನು ಮಾತ್ರವೇ ಸಿವಿಲ್ ಜೈಲಿನಲ್ಲಿಡಬಹುದೆಂದು ವಿಧಾಯಕ ಮಾಡುವುದೂ ತಿದ್ದುಪಾಟಿನ ಉದ್ದೇಶ. ಅದು ನೆರವೇರುವಂತೆ ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ 51ನೆಯ ಪ್ರಕರಣವನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡಲು ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ ಕ್ರಮ ಜರುಗಿಸಿದರು. ಆ ಪ್ರಕರಣವು ತಿದ್ದುಪಾಟಾಯಿತು.

ಇಂಡಿಯಾ ಸರ್ಕಾರದವರು ವಿಧಾಯಕ ಮಾಡಿದ 1936ನೆಯ ಇಸವಿಯ XXIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ ಮಾದರಿಯಲ್ಲಿ 1911ನೆಯ ಇಸವಿಯ ಸಿವಿಲ್ ಪ್ರೊಸೀಜರ್ ಕೋಡಿನ 51ನೆಯ ಪ್ರಕರಣವನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡಬೇಕೆಂದು ಈಗ ಉದ್ದೇಶಿಸಲಾಗಿದೆ. ಯಾವ ಸಾಲಗಾರನನ್ನಾದರೂ ಖೈದಿನಲ್ಲಿ ಪ್ರತಿಕ್ಕೆ ಇಡಬಾರದೆಂಬ ವಿಚಾರದಲ್ಲಿ ಸರಿಯಾದ ಕಾರಣವನ್ನು ತೋರಿಸುವುದಕ್ಕೆ ಅವನಿಗೆ ಒಂದು ಅವಕಾಶವನ್ನು ಕೋರ್ಟಿನವರು ಕೊಟ್ಟ ಹೊರತು, ಮತ್ತು ಸಾಲಗಾರನು ಕೋರ್ಟಿನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟಿರತಕ್ಕ ನರಹದ್ದನ್ನು ಬಿಟ್ಟು ಹೋಗುವುದರಲ್ಲಿದ್ದಾನೆಂದು, ಅಥವಾ ಮೋಸ ಮಾಡಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಅವನು ತನ್ನ ಸ್ವತ್ತನ್ನು ಪರಭಾರೆ ಮಾಡಿದ್ದಾನೆಂದು, ಅಥವಾ ಜಪ್ತಿ ಮಾಡಕೂಡದ ಸ್ವತ್ತುಗಳನ್ನು ಬಿಟ್ಟು ಇತರ ಸ್ವತ್ತುಗಳಿಂದ ಸಾಲವನ್ನು ತೀರಿಸಲು ಶಕ್ತನಾಗಿದ್ದಾನೆಂದು ಕೋರ್ಟಿನವರಿಗೆ ತೃಪ್ತಿಕರವಾಗಿ ಗೊತ್ತಾದ ಹೊರತು, ಡಿಕ್ರಿಯ ಅಮಲ್ದಾರಿ ಸಂಬಂಧದಲ್ಲಿ ಅವನನ್ನು ಸಿವಿಲ್ ಜೈಲಿನಲ್ಲಿಡುವಂತೆ ಕೋರ್ಟಿನವರು ಹುಕುಂ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಬಂಧನೆಯನ್ನು ರಚಿಸಲಾಗಿದೆ. ಈ ಮಸೂದಾ ಕಾನೂನು ಎಲ್ಲ ಜಡ್ಜ್‌ಮೆಂಟ್ ದೇಣಿಗಾರರಿಗೂ ಅನ್ವಯಿಸುತ್ತದೆ.

VI. ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನ್ನೂ ಮತ್ತು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನ್ನೂ ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ರಚಿಸಿದ ಮಸೂದಾ ಕಾನೂನುಗಳ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

1923ನೆಯ ಇಸವಿಯಲ್ಲಿ ಸ್ಥಳೀಯ ಪ್ರಜಾಧಿಕಾರ ಸಂಸ್ಥೆಗಳ ಸಮ್ಮೇಳನವೊಂದು (ಲೋಕಲ್ ಸೆಲ್ಫ್ ಗವರ್ನಮೆಂಟ್ ಕಾನ್ಫರೆನ್ಸ್) ನಡೆಯಿತಷ್ಟೆ. ಆ ಸಂದರ್ಭದಲ್ಲಿ ಆ ಸಂಸ್ಥೆಗಳವರು ಕೆಲವು ನಿರ್ಣಯಗಳನ್ನು ಮಾಡಿದರು. ಆ ಪೈಕಿ ಒಂದು ನಿರ್ಣಯವು; ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿಯೂ ಮತ್ತು ಲೋಕಲ್ ಬೋರ್ಡುಗಳಲ್ಲಿಯೂ ಕೆಲಸಮಾಡತಕ್ಕ ನೌಕರರ ವರ್ಗಾವರ್ಗಿಗೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದಿತು. ಆ ನೌಕರರುಗಳು ವರ್ಗಾವರ್ಗಿಯಿಲ್ಲದೆ ಒಂದೇ ಕಡೆ ಇರಲು ಅವಕಾಶ ಕೊಡುವುದು ಉಚಿತವಲ್ಲವಾದ ಕಾರಣ, ಅವರ ವರ್ತನೆಯ ಸ್ಥಿತಿಯನ್ನು ಉತ್ತಮ ಪಡಿಸುವ ಉದ್ದೇಶದಿಂದ ಅವರ ವರ್ಗಾವರ್ಗಿಗಳು ಕ್ಲುಪ್ತಕಾಲಕ್ಕೊಂದುಸಲ ನಡೆಯುವುದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಬೇಕೆಂಬುದನ್ನು ಸೂಚಿಸುವುದಕ್ಕಾಗಿ ಆ ನಿರ್ಣಯವು ನಡೆಯಿತು. ಇದೇ ವಿಷಯದಲ್ಲಿ, 1924ನೆಯ ಇಸವಿಯಲ್ಲಿ ನಡೆದ ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ದಸರಾ ಅಧಿವೇಶನದಲ್ಲಿ ಸಹ, ಒಹಳ ಹೆಚ್ಚಾಗಿ ಚರ್ಚೆ ನಡೆಯಿತು. ಸ್ಥಳೀಯ ಪ್ರಜಾಧಿಕಾರ ಸಂಸ್ಥೆಗಳ ಸಮ್ಮೇಳನದವರೂ ಮತ್ತು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸದಸ್ಯರುಗಳೂ ಈ ವಿಷಯದಲ್ಲಿ ಮಾಡಿದ್ದ ಸಲಹೆಗಳನ್ನು ಸರ್ಕಾರದವರು ಅಂಗೀಕರಿಸಿ, 1925ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 19ನೆಯ ತಾರೀಖಿನ, ಎಲ್. 6129-6192—ಮುನಿಸಿಪಲ್ 145-24-12ನೆಯ ನಂಬರಿನ ಸರ್ಕಾರಿ ಹುಕುಮನ್ನು ಸಾದರು ಮಾಡಿದರು. ಎಲ್ಲ ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿಯೂ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳಲ್ಲಿಯೂ ಇರತಕ್ಕ ಗೆಜೆಟೆಡ್ ದರ್ಜಿಗೆ ಸೇರಿಲ್ಲದ ಎಗ್ಜೆಕ್ಯುಟಿವ್ ಮತ್ತು ಲಿಜಾಮಟ್ಟು ಸ್ವಭಾವದ ಎಲ್ಲ ಹುದ್ದೆಗಳಿಗೂ ಸರ್ಕಾರಿ ನೌಕರಿಯೆಲ್ಲರತಕ್ಕವರುಗಳನ್ನೇ ಸರ್ವಸಾಧಾರಣವಾಗಿ ನೇಮಕ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದೂ, ಮೂರು ವರುಷಗಳಿಗೊಂದುಸಲ ಅವರುಗಳ ವರ್ಗಾವರ್ಗಿಯು ನಡೆಯಬೇಕೆಂದೂ ಆ ಹುಕುಮಿನಲ್ಲಿ, ಇತರ ವಿಷಯಗಳ ಜೊತೆಗೆ, ಸರ್ಕಾರದವರು ಅಪ್ಪಣೆ ಮಾಡಿದ್ದರು. ಆದರೆ, ಅನೇಕ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳ ವಿಷಯದಲ್ಲಿ ಈ ಹುಕುಮನ್ನು ಜಾರಿಗೆ ತರಲಿಲ್ಲ; ಏಕೆಂದರೆ, ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ಸಂಸ್ಥೆಗಳ ನೌಕರರುಗಳನ್ನು ಆ ಸಂಸ್ಥೆಗಳವರೇ ನೇರವಾಗಿ ನೇಮಕಮಾಡಿಕೊಂಡಿದ್ದರು. ಇದರಿಂದ ಮೇಲೆ ಕಂಡ ಸರ್ಕಾರಿ ಹುಕುಮಿನಲ್ಲಿ ಅಪ್ಪಣೆ ಮಾಡಿದ್ದ ಪ್ರಕಾರ, ಕ್ಲುಪ್ತಕಾಲಕ್ಕೊಮ್ಮೆ ಈ ನೌಕರರನ್ನು ವರ್ಗಮಾಡುವುದಕ್ಕಿಲ್ಲದೆ ಹೋಯಿತು. ಅಲ್ಲದೆ ಯಾವ ಯಾವ ನೌಕರರುಗಳು ಯಾವ ಯಾವ ಸಂಸ್ಥೆಯ ಸಿಬ್ಬಂದಿಯಲ್ಲಿ ನೇಮಕವಾಗಿದ್ದರೋ ಆಯಾ

ಬಂಧಿಯಿಲ್ಲ ಅವಲುಖಾಯಿಮಾಗಿ ನೇಮಕವಾದಂತೆ ಧೃಢಪಿಸಲ್ಪಟ್ಟಿದ್ದರು. ಆದುದರಿಂದ, ಸರ್ಕಾರದವರು ಈ ವಿಷಯದಲ್ಲಿ ಪುನಃ ಒಂದು ಹುಕುಮನ್ನು ಸಾದರುಮಾಡಿದರು: ಕ್ಲುಪ್ತಕಾಲಗಳಲ್ಲಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳ ನೌಕರರುಗಳ ವರ್ಗಾವರ್ಗಿಗಳನ್ನು ಆಯಾ ಡಿಸ್ಟ್ರಿಕ್ಟುಗಳ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರುಗಳು ಮೊದಲು ಸೂಚನೆ ಮಾಡಬೇಕೆಂತಲೂ, ಮತ್ತು ಈ ವಿಷಯದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಮುನಿಸಿಪಾಲಿಟಿಗಳೊಡನೆಯೂ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳೊಡನೆಯೂ ಪರ್ಯಾಲೋಚಿಸಿದ ತರುವಾಯ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರುಗಳು ಆ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ನೌಕರರುಗಳನ್ನು ಮೂರು ವರುಷಗಳಿಗೊಂದುಸಲ ವರ್ಗಾಯಿಸುವುದಕ್ಕೆ ಏರ್ಪಾಡು ಮಾಡಬೇಕೆಂತಲೂ, ಸರ್ಕಾರದವರು 1935ನೆಯ ಇಸವಿ ಅಕ್ಟೋಬರ್ 23ನೆಯ ತಾರೀಖಿನ ಎಲ್. 2903 28—ಮುನಿಸಿಪಲ್ 172–33–25ನೆಯ ನಂಬರಿನ ಸರ್ಕಾರಿ ಹುಕುಮಿನಲ್ಲಿ ಅಪ್ಪಣೆ ಮಾಡಿದರು.

1935ನೆಯ ಇಸವಿ ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ನಡೆದ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಅಧಿವೇಶನದಲ್ಲಿ ಇದೇ ವಿಚಾರದಲ್ಲಿ ಚರ್ಚೆ ನಡೆಯಿತು, ಮೇಲೆ ಕಂಡ 1935ನೆಯ ಇಸವಿ ಅಕ್ಟೋಬರ್ 23ನೆಯ ತಾರೀಖಿನ ಸರ್ಕಾರಿ ಹುಕುಮನ್ನು ಪೂರ್ತಿಯಾಗಿ ಆಚರಣೆಗೆ ತಂದಿಲ್ಲವೆಂಬುದಾಗಿ ಸದಸ್ಯರು ಆಗ್ಗೆ ತಿಳಿಸಿದರು. ಅಲ್ಲದೆ, ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳ ನೌಕರರ ವರ್ಗಾವರ್ಗಿಗಳ ವಿಷಯದಲ್ಲಿ ಪ್ರವರ್ತಿಸಿ, ವಿದ್ಯಮಾನಗಳನ್ನು ವಿಮರ್ಶೆಮಾಡಿ, ಆವಶ್ಯಕತೆ ಕಂಡುಬಂದಾಗೆಲ್ಲ ಅವರುಗಳ ವರ್ಗಾವರ್ಗಿಗಳನ್ನು ನಿರವೇರಿಸುವ ಅಧಿಕಾರವುಳ್ಳ ಒಂದು ಕೇಂದ್ರ ಅಧಿಕಾರವರ್ಗದವರು ಗೊತ್ತಾಗಿ ನೇಮಕವಾಗಿಲ್ಲವೆ ಹೋಗಿದ್ದುದೇ ಮೇಲೆ ಕಂಡ ಸರ್ಕಾರಿ ಹುಕುಮನ್ನು ಆ ರೀತಿ ಪೂರ್ತಿಯಾಗಿ ಜಾರಿಗೆ ತರದೆ ಇರುವುದಕ್ಕೆ ಕಾರಣವೆಂದೂ ಸದಸ್ಯರುಗಳು ತಿಳಿಸಿದರು. ಈ ಸಂಬಂಧವಾದ ಹತೋಟಿಯನ್ನು ಒಬ್ಬ ಅಧಿಕಾರಿಗೆ ವಹಿಸುವುದು ಸೂಕ್ತವಾದುದೆಂದೂ ಸಹ ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯ ಸದಸ್ಯರು ಸೂಚಿಸಿದರು. ಸರ್ಕಾರದವರು ಈ ಸೂಚನೆಯನ್ನು ಅಂಗೀಕರಿಸಿ 1936ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 7ನೆಯ ತಾರೀಖಿನಲ್ಲಿ ಒಂದು ಹುಕುಮನ್ನು ಸಾದರು ಮಾಡಿದರು. (1936ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 7ನೆಯ ತಾರೀಖಿನ ಎಲ್. 5997–6017—ಮುನಿಸಿಪಲ್ 139–35–11ನೆಯ ನಂಬರು ಸರ್ಕಾರಿ ಹುಕುಂ.) ಮುನಿಸಿಪಾಲಿಟಿಗಳಲ್ಲಿಯೂ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳಲ್ಲಿಯೂ ನೇಮಕವಾಗಿರತಕ್ಕ ಕೆಲವು ವರ್ಜೆಗಳ ನೌಕರರುಗಳ ವರ್ಗಾವರ್ಗಿಗಳ ವಿಚಾರದಲ್ಲಿ ಪ್ರವರ್ತಿಸಿ ಆ ವರ್ಗಾವರ್ಗಿಗಳ ಏರ್ಪಾಡನ್ನು ಮಾಡುವ ಅಧಿಕಾರವು ರೆವೆನ್ಯೂ ಕಮಿಷನರವರಿಗಿರತಕ್ಕದೆಂದು ಆ ಹುಕುಮಿನಲ್ಲಿ ಅಪ್ಪಣೆ ಮಾಡಲಾಯಿತು.

ಮೇಲೆ ಕಂಡ ಸರ್ಕಾರಿ ಹುಕುಮುಗಳಿಗನುಸಾರವಾಗಿ ಈಗ ಈ ವರ್ಗಾವರ್ಗಿಗಳೇನೋ ನಡೆಯುತ್ತಿವೆ. ಆದರೆಗ್ಗೂ, ಬೆಂಗಳೂರು ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು, ಮೇಲೆ ನಮೂದಿಸಿದ ಸರ್ಕಾರಿ ಹುಕುಮು ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನ್ ಮುಂತಾದುವುಗಳ ನಿಯಮಗಳಿಗನುಸಾರವಾಗಿಲ್ಲವೆಂತಲೂ ಬೆಂಗಳೂರು ಸಿಟಿ ಮುನಿಸಿಪಲ್ ನೌಕರರುಗಳ ವಿಚಾರದಲ್ಲಿ ಪ್ರವರ್ತಿಸಿ ವರ್ಗದ ಏರ್ಪಾಡು ಮಾಡುವ ಅಧಿಕಾರವು ಬೆಂಗಳೂರು ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರಿಗೇ ಇರಬೇಕೆಂದೂ ವ್ಯಾದಿಸುತ್ತಿದ್ದಾರೆ.

ಒಂದು ಮುನಿಸಿಪಾಲಿಟಿಯ ನೌಕರರನ್ನು ಮತ್ತೊಂದು ಮುನಿಸಿಪಾಲಿಟಿಗಾಗಲಿ ಅಥವಾ ಒಂದು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡಿಗಾಗಲಿ ಅಥವಾ ಸರ್ಕಾರದ ಒಂದು ಇಲಾಖೆಗಾಗಲಿ ವರ್ಗಮಾಡುವುದಕ್ಕೆ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನಲ್ಲಾಗಲಿ ಅಥವಾ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನಲ್ಲಾಗಲಿ ಈಗ ಯಾವ ನಿಯಮವೂ ಏರ್ಪಟ್ಟಿಲ್ಲ. ಮದರಾಸು ಆಧಿಪತ್ಯದಲ್ಲಿ, ಅಲ್ಲಿಯ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ನೌಕರರನ್ನು ವರ್ಗಮಾಡುವ ಅಧಿಕಾರವು ಆ ಪ್ರಾಂತದ ಸರ್ಕಾರದವರಿಗಿರುವಂತೆ ಮದರಾಸು ಡಿಸ್ಟ್ರಿಕ್ಟು ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಕ್ಟಿನಲ್ಲಿಯೂ ಮತ್ತು ಮದರಾಸು ಲೋಕಲ್ ಬೋರ್ಡುಗಳ ಆಕ್ಟಿನಲ್ಲಿಯೂ ನಿಬಂಧನೆಗಳೇರ್ಪಟ್ಟಿವೆ.

ಇದೇ ರೀತಿಯಾದ ನಿಬಂಧನೆಯನ್ನು, ಎಂದರೆ, ಎಲ್ಲ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಮತ್ತು ಡಿಸ್ಟ್ರಿಕ್ಟು ಬೋರ್ಡುಗಳ ಕೆಲಸಗಳೂ ದಕ್ಷತೆಯಿಂದ ನಡೆಯುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ಅವುಗಳ ನೌಕರರನ್ನು ಬೇರೆ ಕಡೆಗೆ ವರ್ಗಮಾಡುವ ಅಧಿಕಾರವೂ ಮತ್ತು ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ನೌಕರರನ್ನು ಹೀಗೆ ವರ್ಗಮಾಡುವ ಅಧಿಕಾರವನ್ನು ಸರ್ಕಾರದ ಯಾವ ಆಫೀಸರಿಗಾದರೂ ವಹಿಸಿಕೊಡುವ ಅಧಿಕಾರವೂ ಸರ್ಕಾರದವರಿಗೆ ಇರುವಂತೆ ಅವಕಾಶ ಕೊಡುವ ನಿಬಂಧನೆಯನ್ನು, ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನಲ್ಲಿಯೂ, ಮತ್ತು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ರೆಗ್ಯುಲೇಷನಿನಲ್ಲಿಯೂ ಏರ್ಪಡಿಸುವುದು ಆವಶ್ಯಕವೆಂದು ಸರ್ಕಾರದವರು ಭಾವಿಸುತ್ತಾರೆ. ಈ ಅಧಿಕಾರಗಳನ್ನು ಸರ್ಕಾರದವರು ಚಲಾಯಿಸುವುದಕ್ಕೆ ಅವಕಾಶವನ್ನು ಕಲಿಸುವುದೇ ಈಗ ಏರ್ಪಡಿಸಬೇಕೆಂದಿರತಕ್ಕ ಹೊಸ ಪ್ರಕರಣದ ಆಶಯವಾಗಿದೆ.

VII. 1934ನೆಯ ಇಸವಿಯ II ನಂಬರಿನ ರೆಗ್ಯುಲೇಷನಾದ ಸಕ್ಕರೆ (ಎಕ್ಸೈಜು ಸುಂಕದ) ರೆಗ್ಯುಲೇಷನ್ನನ್ನು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ರಚಿಸಿದ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿಯೂ ಮತ್ತು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿಯೂ (ಖಂಡಸಾರಿ ಸಕ್ಕರೆ ಮತ್ತು ತಾಟ ಸಕ್ಕರೆ—ಇವುಗಳ ಹೊರತು) ಸಕ್ಕರೆಯ ಮೇಲೆ ಒಂದು ಹಂಡ್ರೆಡ್‌ವೇಟ್ ತೂಕಕ್ಕೆ ಒಂದು ರೂಪಾಯಿ ಐದಾಣೆಗಳಂತೆ ಎಕ್ಸೈಜು ಸುಂಕವು ಹಿಂದೆ ವಿಧಾಯಕವಾಗಿದ್ದುದು ಸರಿಯಷ್ಟೆ. ಈ ಸುಂಕವನ್ನು ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ 1937ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 28ನೆಯ ತಾರೀಖಿನ ಲಾಗಾಯಿತು ಒಂದು ಹಂಡ್ರೆಡ್‌ವೇಟ್ ತೂಕಕ್ಕೆ ಎರಡು ರೂಪಾಯಿಗಳಿಗೆ ಹೆಚ್ಚಿಸಿದರು. ಅದೇ ಪ್ರಕಾರ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿಯೂ ಆ ಸುಂಕದ ದರವನ್ನು ಹೆಚ್ಚಿಸಬೇಕಾಯಿತು. ಏಕೆಂದರೆ, ಹಾಗೆ ಹೆಚ್ಚಿಸದೆ ಹೋಗಿದ್ದಲ್ಲಿ, ಮೈಸೂರು ದೇಶದಿಂದ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾಕ್ಕೆ ರಫ್ತುಮಾಡಿದ ಸಕ್ಕರೆಯಮೇಲೆ ಇಂಡಿಯಾ ಸರ್ಕಾರದವರು ಸುಂಕದ ದರವನ್ನು ಹೆಚ್ಚಿಸುತ್ತಿದ್ದರು. ಎಂದರೆ, ಮೊದಲಿದ್ದ ಸುಂಕದ ದರಕ್ಕೂ ಮತ್ತು ಈಗ ಹೆಚ್ಚಿಸಿದ ಸುಂಕದ ದರಕ್ಕೂ ಇರುವ ವ್ಯತ್ಯಾಸದಷ್ಟು ದರದಲ್ಲಿ ಆಮದು ಸುಂಕ

ನ್ನು ಅವರು ವಿಧಾಯಕ ಮಾಡುತ್ತಿದ್ದರು. ಇದರ ಪರಿಣಾಮವಾಗಿ ಮೈಸೂರು ದೇಶದಿಂದ ಹೊರಗೆ ಸಕ್ಕರೆಯನ್ನು ನಿರುಪಾಧಿಕವಾಗಿ ರಫ್ತು ಮಾಡಲು ಸಾಧ್ಯವಿರುತ್ತಿರಲಿಲ್ಲ. ಹಾಗಾಗುವುದನ್ನು ತಪ್ಪಿಸುವುದಕ್ಕಾಗಿ ಮೈಸೂರು ದೇಶದಲ್ಲಿಯೂ ಸಕ್ಕರೆಯಮೇಲಿನ ಎಕ್ಸ್ ಸುಂಕದ ದರವನ್ನು ಹೆಚ್ಚಿಸಬೇಕಾಯಿತು. ಆದಕಾರಣ, ಸಕ್ಕರೆಯಮೇಲಿನ ಸುಂಕವನ್ನು ಒಂದು ಹಂಡ್ರಡ್‌ವೇಟ್ ತೂಕಕ್ಕೆ ಒಂದು ರೂಪಾಯಿ ಐದಾಣೆಗಳಿಂದ ಎರಡು ರೂಪಾಯಿಗಳಿಗೆ ಹೆಚ್ಚಿಸಿ, 1937ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 28ನೆಯ ತಾರೀಖಿನ ದಿನ ಜರೂರಾತಿಯ ರೆಗ್ಯುಲೇಷನ್ನನ್ನು ಸಾದರಪಡಿಸಲಾಯಿತು.

ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿ 1937ನೆಯ ಇಸವಿಯ "ಇಂಡಿಯನ್ ಫೈನಾನ್ಸ್ ಆಕ್ಟ್" ಎಂಬ ಇಂಡಿಯಾ ಸರ್ಕಾರದ ಆಯವ್ಯಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಕಾನೂನು ಈಚೆಗೆ ಜಾರಿಗೆ ಬಂದಿದೆ. ಖಂಡಸಾರಿ ಸಕ್ಕರೆಯಮೇಲೆ ವಿಧಾಯಕವಾಗಿದ್ದ ಸುಂಕದ ದರವನ್ನು ಒಂದು ಹಂಡ್ರಡ್‌ವೇಟ್ ತೂಕಕ್ಕೆ ಹತ್ತು ಆಣೆಗಳಿಂದ ಒಂದು ರೂಪಾಯಿ ಐದಾಣೆಗಳಿಗೆ ಹೆಚ್ಚಿಸಿ ವಿಧಾಯಕ ಮಾಡಿರುವ ಒಂದು ನಿಯಮವು ಆ ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಏರ್ಪಟ್ಟಿದೆ.

1937ನೆಯ ಇಸವಿ ಫೆಬ್ರವರಿ 28ನೆಯ ತಾರೀಖಿನ ದಿನ ಸಾದರವಾದ ಜರೂರಾತಿಯ ರೆಗ್ಯುಲೇಷನ್ನು ಜಾರ್ಯನಿರತಕ್ಕ ಅವಧಿಯು 1937ನೆಯ ಇಸವಿ ಆಗಸ್ಟ್ 28ನೆಯ ತಾರೀಖಿನ ದಿನ ಮುಗಿದು ಹೋಗುವುದಾಗಿದೆ. ಆದರೆ ಅದರ ಮೇರೆಗೆ ಹೆಚ್ಚಿಸಿರತಕ್ಕ ಸುಂಕದ ದರಗಳು ಮಾತ್ರ ಆ ತಾರೀಖಿನ ತರುವಾಯವೂ ಜಾರಿಯಲ್ಲಿರಬೇಕಾಗಿದೆ. ಆದುದರಿಂದ ಈಗಿನ ಹೊಸ ದರಗಳಲ್ಲಿ ಸುಂಕವನ್ನು ವಿಧಿಸುವುದಕ್ಕೆ ಸರ್ಕಾರದವರಿಗೆ ಅಧಿಕಾರವಿರುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ಈ ಮಸೂದಾ ಕಾನೂನನ್ನು ರಚಿಸಲಾಗಿದೆ.

ಬೆಂಗಳೂರು,
ತಾರೀಖು, 1ನೆಯ ಜೂನ್ 1937.

ಎ. ಸುಂದರರಾಜಾರಾವ್,
ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸೆಕ್ರೆಟರಿ.

WD 2141—GPB—400—2-6-37

NOTIFICATION.

No. L. C. 4645—Bangalore, dated 28th May 1937.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the following Bill further to amend the Indian Penal Code (as in force in Mysore) is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,

Secretary,
Mysore Legislative Council.

Bill further to amend the Indian Penal Code (As in force in Mysore).

Whereas it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows :—

1. This Regulation may be called the Indian Penal Code (Amendment) Regulation, 19.....

2. In Section 375 of the Indian Penal Code as in force in Mysore in clause *Fifthly* for the word "twelve" the word "fourteen" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

According to Section 375 of the Indian Penal Code as in force in Mysore, the age of consent is 12 both within and outside marital connection. This is considered too low for sufficient protection of minor girls. It has been revised in British India by Act XXIX of 1925. It is now proposed to raise the age to 14 as against strangers leaving the age in marital cases unaffected as the legal age of marriage remains unaffected.

Printed by the Superintendent at the Government Press, Bangalore.

7

BILL FURTHER TO AMEND THE INDIAN PENAL CODE.

(As in force in Mysore)

- - -

Whereas it is expedient further to amend the Indian Penal Code as in force in Mysore: It is hereby enacted as follows:

1. This Regulation may be called the Indian Penal Code (Amendment) Regulation, 19.....

2. In Section 375 of the Indian Penal Code as in force in Mysore in clause Fifthly for the word "twelve" the word "fourteen" shall be substituted. Amendment of section 375

STATEMENT OF OBJECTS AND REASONS.

According to section 375 of the Indian Penal Code as in force in Mysore, the age of consent is 12 both within and outside marital connection. This is considered too low for sufficient protection of minor girls. It has been revised in British India by Act XXIX of 1925. It is now proposed to raise the age to 14 as against strangers leaving the age in marital cases unaffected as the legal age of marriage remains unaffected.

1088 P 936

In reply please refer to
No. 1441

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore, ...15th.....August..... *193* 6.

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

Law A2-3t-1

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

17 AUG. 1936

SIR,

I have the honor to state that in Criminal Appeal No.63/ 1934-35 (Mayachari VS. Government of Mysore) on the file of the High Court of Mysore - which was an appeal against the conviction and - sentence passed by the Sessions Judge, Mysore Division, in Hassan Sessions Case No. 8 of 1934-35 (Offences under Sections 363, 366 and 376 I.P.C.,) the convictions under the first two sections were confirmed but the one under Section 376 I.P.C., (Rape) was set aside on the ground that the girl who was just over 12 years of age had consented to the act. With respect to this consent, the High Court observes as follows :-

> "She may well at her age not have understood exactly what she had to expect. She may well have been shocked when it happened. That may be the explanation why she was weeping outside the temple after it was over. But in all the circumstances it appears to me doubtful whether what happened was without her consent. In this State the age of consent is so low as 12 years, and there is no doubt that Nanjamma was a good deal older than 12 years."

2. The age of consent in British India was raised to 14 years in the year 1925, but in Mysore the section has not been amended with the result that any consent given by a girl above 12 years of age, would be valid, and the offender would not be guilty. The case under consideration shows the necessity for amending the - Section as in British India and to raise the age of consent in Mysore

in Mysore also to 14 years.

3. I would, therefore, request you to kindly place the above matter before Government for their kind - consideration.

I have the honor to be.
Sir,
Your most obedient servant,

Government Advocate.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P/130/Law 42-36-2 Dated, Bangalore, 19th August 1936

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Government Advocate,
Bangalore.

Sir,

With reference to your letter No.141 dated 15th August 1936 raising the question of the age of consent in Mysore under Section 376, I.P.C., I am directed to request you to send for reference a copy of the judgment in Cr.A.63 of 34-35 referred to.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

S.R.2

Appendix F G—[]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 19.6.36

Signed by Dpt: n R.J.R.

arising the question of the
in Reprove
ref of consent under
Sec 376 I P.C,

List of enclosures.....

Copied by .....

Examined by.....

18/6

Section Laws

File No. 42-36

Serial No. 2

No. P 1301.

To

The G.A.

Crl: ~~Appl 63/34-35 on the file of Hct.~~
(Nagachari Vs Govt)

Sir,

With reference to your
letter No 141, Dt 15th Aug: '36 ~~on~~
~~the above Subject~~, I am
directed to Request ~~me~~ you
for reference
to Send a copy of the judgment
in Cr A. 63 of 34-35
~~delivered in the above Case~~
referred to
~~for perusal and Consideration~~

I have etc:

18/8
for Gen: Secy
18/8

1489/36

OFFICE OF THE GOVERNMENT ADVOC
IN MYSORE,

In reply please refer to
No. 179

Bangalore, 2nd September 1936.

Law 42-36-2

FROM

A. R. NAGESVARA IYER, ESQ., B.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

3 SEP 1936

Sir,

As desired in your letter No.P.1301/Law.42-36-2 dated the 19th August 1936, I have the honor to forward herewith for your information a copy of the Judgment in Criminal Appeal No. 63 of 1934-35 on the file of the High Court of Mysore, (Mayachari VS. Govt. of Mysore)

Subd for perusal
P.C. enter in the rule
Sheet & submit
8/9
Letter
8/9/36

I have the honor to be,
Sir,
Your most obedient servant,

A R Nageswara Iyer
Government Advocate.

CSN.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Monday, the 22nd day of July 1935.

Present

Mr.H.D.C. Reilly, Chief Justice

and

Mr.Justice A.S.R. Chari.

Petition of Criminal Appeal No. 63 of 1934-35 (received through the Superintendent, Central Jail, Bangalore with his letter No. 318/A dated 20th June 1935) against the convictions and sentences passed by the Sessions Judge of Mysore under Sections 363, 366 and 376 of the Indian Penal Code, in Hassan Sessions Case No. 8 of 1934-35. / APPELLANT Mayachari (Accused)

Heard:- Mr.G.Sreenivasa Rao on behalf of the Legal Aid Society for Appellant.

Mr.A.R. Nageswara Iyer, Government Advocate for Government.

JUDGMENT.

The Chief Justice:-

The Accused in this case has been convicted on three charges, first of kidnapping on the 15th of December 1934 Nanjamma, P.W.3 from lawful guardianship, an offence punishable under Section 363 of the Penal Code, secondly of kidnapping Nanjamma with intent that she should be seduced to illicit intercourse, an offence punishable under Section 366 of the Penal Code, and thirdly of committing rape upon her on the same day, an offence punishable under Section 376 of the Penal Code.

P.W.3

P.W.3, Nanjamma, says that her husband, P.W.18, and her father-in-law, P.W.17, who are blacksmiths, were staying in a shed at Yeliyur: she went to stay there, and the Accused, who is also a blacksmith, was working there: on the day in question, which other evidence shows to have been the 15th of December 1934, while her hudband and her father-in-law had gone away to the shandy at Chennarayapatna, the Accused, who was to leave Yeliyur that day, told her that he was going to Baganahalli and asked her to go with him: he told her that her father wanted him to bring her to him: she was disinclined to go at first, but the Accused insisted and forced her to go with him: he sent her little brother-in-law, P.W.19 who was the only other person then at the shed in Yeliyur, into the village to buy some lime and asked her to meet him at a tank bund, apparently outside Yeliyur: she did so and then they went away together: she was wearing some silver anklets when she joined the Accused, but he said that, if she wore them, people would notice them and tell her father-in-law and her husband that she had gone away, and so he took the anklets off and kept them with himself: they travelled through the day, and at a place called Grama they bought some fried gram from a woman, P.W.11 and further on while the Accused was sleeping near a bridge, she sat by him, and P.W.12 came by and asked her where they were going: the Accused had told her to say that they were going to a place called Hegrahalli:

in the evening they got there, and the Accused took her to a temple: at night-time he called her into the temple to sleep inside: she refused: but he dragged her in and made her lie down beside him: then he committed rape upon her: she was crying, but he threatened to kill her: after he had committed the offence she went out of the temple crying: then some people of that place came up, first P.W.5 and afterwards the Patel, P.W.7, P.W.6 and others: they took her and the Accused to the Patel's pial, where they were kept for the night. There is evidence that Nanjamma's age at the time was about 13. That is the effect of the evidence given by the lady doctor, P.W.2, who examined her, and it also fits in with the evidence of her father, P.W.16. Both the lady doctor and her father say that Nanjamma had not then attained puberty.

Of the stay of Nanjamma and the Accused at Yeliyur there is plenty of evidence. There is also evidence that she disappeared from Yeliyur during the absence of her father-in-law and her husband on the 15th of December. Her little brother-in-law, P.W.19, a boy of 10, says that the Accused sent him into the village to get some lime and then left the place: some time after Nanjamma went away saying that she was going to get some vegetables. P.Ws.11 and 13 say that they saw the Accused and Nanjamma on the way between Yeliyur and Hegrahalli. P.W.12 says that he saw Nanjamma sitting on the road side by a man, who was sleeping covered up: he does not know who that man was, but Nanjamma told him when questioned that the man was her brother.

In

17

In regard to what they found at the temple in the night, after Nanjamma was heard crying there, P.Ws. 4, 5, 6 and 7 have given evidence. P.W.4 says tha he and P.W.5 were on the pial of the Patel when they heard a girl crying near the temple which is a short distance from the village: they went to the temple and found Nanjamma crying there: they asked her why she was crying: she said she belonged to Yeliyur and that an Achari, who was sleeping in the temple, had ravished her: they sent for the Patel and others, and after those people came, they waked the accused: Nanjamma charged him with having outraged her: they questioned the Accused, but he did not say anything, then Nanjamma said that the Accused had got her anklets and her ravike, and the Accused handed them over. P.W.5 gives similar evidence to that of P.W.4 except that he does not mention the questioning of the Accused or the handing over of the anklets or the ravike. P.W.6, who is the father of the Patel, says that on that night P.W.5 came to the house where he and the Patel lived and said that there was a girl crying near the temple: he and the Patel went there: he questioned the girl, and she said that she came from Yeliyur and that an Achari, who was sleeping in the temple, had outraged her: P.W.4 called that man out, and he came out: he is the Accused: the girl told him that the Accused had her anklets and ravike, and the Accused produced them. The Patel gives similar evidence except that he does not mention the production of the anklets and the

ravike

ravike. His evidence is corroborated by the report, Exhibit P.1, which he says he sent to the Police next morning.

The Accused denies that he ever worked in the house of Nanjamma's father-in-law, that he had even seen Nanjamma before he was arrested in this case and that he was ever at the temple at Hegrahalli. He called no witnesses in his defence, and he elicited nothing from the prosecution witnesses by cross-examination.

For the prosecution some medical evidence was produce including two documents, Exhibits P.5 and P.6 certificates given by the Chemical Examiner, which are said to relate to this case. Unfortunately there is a gap in the evidence connecting those certificates with this case or with the articles of clothing and other things connected with the case, to which they are supposed to relate, and therefore they are of no use to the prosecution. But that cannot in the circumstances prevent the Accused making use of them, if they are of any value to him. It has been urged before us that there is something in them which is of use to the Accused. Exhibit P.6 shows that on a piece of cloth which according to the prosecution was part of the sari worn by Nanjamma on the night in question, the Chemical Examiner found spermatozoa and gonococci, and Exhibit P.5, shows that in a smear of something, which according to the prosecution was what the lady doctor removed from Nanjamma's private parts, there were also spermatozoa gonococci and diplococci. Exhibit P.6 shows that on clothes, which according to the prosecution were the clothes which the Accused was wearing on the night in question, there were no gonococci or diplococci, though on one of them spermatozoa were found and on two others mammalian blood. It is urged for the Accused that, if anybody committed an offence against Nanjamma of the kind

kind alleged on the night in question, those certificates show that it was not the Accused, the suggestion being that the offender must have been suffering from some venereal disease, of which there was no sign found on the Accused or his clothes. But as the learned Government Advocate has urged, the fact that no sign of such a disease was found on examination either ~~th~~ of the Accused or his clothes assuming that the clothes examined by the Chemical Examiner were his clothes, as the defence for their purpose are quite entitled to assume - would not be enough to show that the Accused was not the offender. Indeed it would be an unsafe inference to draw from what was found by the Chemical Examiner on one set of clothes and was not found on the other that the offender was some one other than the Accused.

But there are other things of importance in the medical evidence in this case, which are of great help to the Accused in regard to the most serious charge against him. There is the evidence of P.W.1, a medical practitioner, that he found some abrasions on the Accused's penis, which might have been caused by connection with a young girl such as is alleged. But the evidence of the lady-doctor, P.W.2 who examined Nanjamma is remarkable in showing, not only that after the ~~event~~ her hymen had not been ruptured, but that there was no sign of any injury at all on her private parts. There is no evidence that there was any injury on either the Accused or Nanjamma on other parts of their bodies. But the most remarkable thing in the medical evidence appears to me to be the fact that there was not any sign whatever on Nanjamma's private parts that any violence had been used to her. It has been urged for the Accused that, whatever else the evidence may show, it is not shown conclusively

conclusively that the Accused had sexual intercourse with Nanjamme without her consent or against her will. On the other hand Nanjamma's conduct during the day, as shown by her story, has a bearing on the question whether she consented to have any intercourse with the Accused. She says that she was induced to go with the Accused because he told her that her father wanted him to take her to her father's village. Her father, P.W.16, says that he had never seen the Accused. Nanjamma herself does not profess to have seen until she met him at Yeliyur when she joined her husband and father-inlaw there, by which time it appears the Accused had been at Yeliyur for several days. It does not appear at all likely that she is telling the truth when she says that she went with the Accused because he told her that her father wanted him to take her to her father's village. Nor is it even shown that the direction in which she travelled for a good many miles with the Accused on the day in question was the right direction for going to her father's village. Then, if she was going off to rejoin her father at her father's request, why did she leave Yeliyur without telling her husband or her father-in-law. Why did she give a false explanation to her little brother-in-law that she was only going off to buy vegetables ? Why did she slink off to join the Accused at a tank bund outside the village ? Why did she allow her anklets to be removed in order that they might not be noticed and news taken to her father-in-law or her husband ? Why did she tell P.W.12, when she sat by the Accused on the roadside, that the Accused was her brother? There is no reason to suppose that P.W.12 is not telling the truth when he says that Nanjamma told him thot. I think the only reasonable inference from those features in her story is that she went willingly away with the Accused, that she ~~eloped~~ eloped with him.

She

She was, as the learned Government Advocate has pointed out, a very young girl. But for xxx what reason did she suppose the Accused wanted her to go with him ? For what reason could she have joined him in the circumstances ? We must take it that she went willingly with him, she spent the whole day with him, she was in the temple with him and there is no reason to doubt on the evidence that the Accused made some attempt at sexual intercourse with with her. But, as is asked for the Accused, is it shown that that was not with her consent? She did not shout out, so far as can be seen from the evidence, before the offence was committed. That may be, as she says, because she was threatened. On the other other hand the fact that there was not the xis slightest indication of any struggle on her part, there was not the slightest injury of any of her most delicate organs, is something to show that she was a consenting party to what happened. She may well at her age not have understood exactly what had to expect. She may well have been shocked when it happened. That may be the explanation why she was weeping outside the temple after it was over. But in all the circumstances it appears to me doubtful whether what happened was without her consent. In this State the age of consent is so low as 12 years, and there is no doubt that Nanjamma was a good deal older than 12 years In those circumstances it appears to me there is a reasonable doubt whether the Accused did what he did to her without her consent and whether he is guilty of the offence of rape with which he has been charged. On that charge in my opinion he should be acquitted.

But on the other two charges there is clear and sufficien evidence. There is no reason whatever to doubt that he is guilty both of kidnapping Nanjamma from the lawful guardianship of her husband, P.W.18, and also of kidnapping her for the purpose of seducing her to illicit intercourse, i.e. he is guilty of offences punishable under Section 363 and 366 of the Penal Code. In my opinion his appeal so far as it relates to the charge of rape, should be allowed and his conviction on that charge and the sentence which has followed upon it should be set aside, but in other respects this appeal should be dismissed.

There are one or two other matters to which I think I should refer in connection with this case. Unfortunately the learned Sessions Judge did not in my opinion record the evidence with sufficient care. P.W.5 was called to give evidence that he and P.W.4 who were watching the village that night, heard Nanjamma crying and did what I have mentioned in summarising their evidence. But P.W.5, referring to the watchman who was with him, never mentioned that that other watchman was P.W.4. That must have been due either to careless questioning of the witness by the learned Public Prosecutor or to some oversight in recording his evidence. A still more curious thing occurred in connection with the evidence of P.W.6. He gave evidence about a girl crying near the temple and his going there with the Patel and the rest of what I have mentioned in regard to him. But in the record of his evidence there is no mention that that girl was Nanjamma, P.W.3 That appears to me an extraordinary omission again due either to carelessness in questioning the witness or carelessness in recording the evidence. There is on the record a document, Exhibit P.4 which was produced by the prosecution as an extract from a birth register in connection with this case to show Nanjamma's age. As the

As the learned Sessions Judge has pointed out, it is not clear that it refers to Nanjamma and so he has not used it. But he should never have admitted it to the record at all because it was not proved. Then I may mention that, when the Police Inspector, who investigated the case, was in the witness-box, the learned Public Prosecutor was allowed to ask him questions regarding the contents of documents, including the Chemical Examiner's certificates, and the learned Judge recorded his answers regarding the contents of those documents. That was an entire waste of time and a very curious thing for the learned Judge to allow. And as I have mentioned, the learned Sessions Judge unfortunately did not notice that the Chemical Examiner's certificate could not be used for the prosecution, because they were not properly connected by a complete chain of evidence with the things connected with the case to which they were intended to relate. It is unfortunate that the learned Sessions Judge should not have been more careful in seeing that the trial was properly conducted and that the evidence was properly brought on the record and no inadmissible or unnecessary evidence admitted.

sd/-H.D.C. Reilly,
Chief Justice.

Mr.Justice A.S.R. Chari.

I agree.

sd/-A.S.R. Chari,
Judge.

Copy"

Deputy Registrar.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Revs
File No. 19-36
Serial No. 1

Diary No. of letter replied to.....

No. P 1976

To

The Regr. High Ct

Sir,

General and Revenue Secretariat

( )

the 193 .

I am directed to invite reference to the judgment ~~of the High Court~~ in criminal Appeal No 63 of 1934-35 on the file of the High Court of Mysore in which the conviction under S. 376 I.P.C was set aside on the ground that the girl who was just over 12 years of age had consented to the act.

Date of issue 22.9.36

Signed by for N. S. R. R.

List of enclosures.....

Copied by

Examined by.....

25

I am to point out that the age of consent in this respect under the laws in force in Mysore differs from that in British India and to request that Govt may be favoured with the views of the High Court if the age of consent in Mysore may be raised to the limit ~~of~~ prescribed in Br. India.

I have &c

for Chief Secy.

WSR 21-9-26.

Sy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P(S)70 Lys 19-36-1

Dated, Bangalore, 21st Septr. 1936.

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Registrar,
High Court of Mysore, Bangalore.

Sir,

I am directed to invite reference to the judgment in Criminal Appeal No.63 of 1934-35 on the file of the High Court of Mysore in which the conviction under Section 376 Indian Penal Code was set aside on the ground that the girl who was just over 12 years of age had consented to the act. I am to point that the ages of consent in this respect under the law in force in Mysore differs from that in British India and to request that Government may be favoured with the views of the High Court if the age of consent in Mysore may be raised to the limit prescribed in British India.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

K.M.R.2.

235

R. O. C. No. 80
D. Dis. 1 36-37

HIGH COURT OF MYSORE
Public Office Buildings, Cubbon Park,

Bangalore, 10th October 1936.

Legis 19-36-2

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A.~~ Sundararaja Rao, ~~Esq., B.A., B.L.~~
Registrar, High Court of Mysore.

To

The Hon'ble Mr. H.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

CHIEF SECY 12 OCT. 1936

SIR,

With reference to your letter No.P.1970/Legis. 19-36-1 of 22nd September 1936 requesting the views of the High Court if the age of consent under Section 375 of the Penal Code as in force in Mysore may be raised to the limit prescribed in the Penal Code as in force in British India, I am directed to state that the Judges consider that the age specified under "Fifthly" in Section 375 of the Penal Code as in force in Mysore should be raised to fourteen.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar

Registrar.

V.T.C.

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....*191* .

Date of issue.....19.7.37.....

Signed by.....Hr. A.S.R.

Section.
File No. 3 37
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P321/Secn 1.

Ordered that the accompanying.....
Regulation further to amend
the Indian Penal Code
which received the assent of His Highness the Maharaja, on the twenty
day of July 1937,
be published as Regulation No. IX
of 1937, in the *Mysore Gazette* for general information.

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada (to as per standing orders this office, and .....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Copy Govt Translation

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

NOTIFICATION.

Order No. P. 321—*Legis.* 3-37-1, *dated Bangalore,*
15—19*th July* 1937.

Ordered that the accompanying Regulation further to amend the Indian Penal Code which received the assent of His Highness the Maharaja on the tenth day of July 1937, be published as Regulation No. IX of 1937, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION IX OF 1937.

(*Received the assent of His Highness the Maharaja on the tenth day of July 1937.*)

Regulation further to amend the Indian Penal Code.

WHEREAS it is expedient further to amend the Indian Penal Code as in force in Mysore; It is hereby enacted as follows:—

(1) This Regulation may be called the Indian Penal Code (Amendment) Regulation, 1937.

(2) In Section 375 of the Indian Penal Code as in force in Mysore in clause *Fifthly* for the word "twelve" the word "fourteen" shall be substituted. Amendment of Section 375

MIRZA M. ISMAIL,
Dewan.

Price 0-0-3